

SMALL CLAIMS FILING INSTRUCTIONS

Napa Superior Court

Small Claims Court Basics

MONETARY LIMITS FOR SMALL CLAIMS COURT: The amount in dispute may not exceed \$7,500 for a natural person. If you are filing on behalf of a business, the limit of your claim may not exceed \$5,000. You may file as many claims as you wish for up to \$2,500 in small claims court but are limited to two claims for up to \$5,000 each calendar year. If you are suing a guarantor, you may sue for a maximum of \$4,000 (or \$2,500 if the guarantor does not charge for the service). A guarantor is one who promises to be responsible for the debt or default of another.

FEES:

Claim is less than \$1,500	\$30.
Claim is more than \$1,500 but less than or equal to \$5,000	\$50.
Claim is more than \$5,000 but less than \$7,500	\$75.
(CLAIM BY NATURAL PERSONS ONLY – NOT BUSINESS)	
Filing more than 12 small claims in 12 months	\$100.
Request for postponement of hearing	\$10.
Notice of Appeal	\$75.
Motions	\$20.

THE PARTIES PRESENT THEIR CASES THEMSELVES: An attorney may not represent you in court, although you may consult one before or after you go to court.

CASES ARE HEARD QUICKLY: If you and the person you are suing live within the same county, your case will be heard within 40 days of the date you filed your claim. If the person you are suing lives outside your county, your case will be heard within 70 days.

TYPICAL CASES: Typical cases involve, but are not limited to; auto accidents, property damage, landlord/tenant disputes and the collection of personal debts.

THE HEARING: Your case will be heard by a commissioner. A commissioner has all the responsibilities and powers of a judge. Each party will have a chance to tell his or her side of the story. It is important to bring evidence such as photos, witnesses, bills, receipts, contracts, or anything else that will prove your case. Please bring a copy of your evidence for the other party. The judge may decide the case at the time of the hearing or mail it to the parties later.

IF YOU WANT TO APPEAL A DECISION: If you are the plaintiff and you lose a claim you filed against the defendant, you may not appeal. However, occasionally, the defendant will file a claim against you and the hearing may be scheduled on the same day as your claim against the defendant. If you lose the claim the defendant filed against you, you may appeal that judgment. You may not appeal the decision on your own claim.

If any party appeals, there will be a new trial on all of the claims. If you appeared at the trial, you must begin your appeal by filing a form called a *NOTICE OF APPEAL* and pay the required fee within 30 days after the date the *NOTICE OF ENTRY OF JUDGMENT* was mailed to you. You will have a new trial and you must present your evidence again. You may be represented by a lawyer at the appeal hearing.

CONTACT INFORMATION:

Location: Napa Superior Court, Civil Division, 825 Brown Street, Napa, CA 9459

Telephone: 707-299-1130

Filing Hours: 8:00 am to 4:30 pm. Arrive no later than 4:00 to allow for processing.

Small Claims Advisor TELEPHONE **ONLY**: 707-253-4524, Tuesdays and Wednesdays, 1:00-3:00pm.

On line help:

1. California Courts Self-Help Center
<http://www.courtinfo.ca.gov/selfhelp/smallclaims/scbasics.htm>
2. Forms for Small Claims-Judicial Council Website
<http://www.courtinfo.ca.gov/cgi-bin/form.cgi>
3. Napa Superior Court- select Civil and then Small Claims
<http://www.napa.courts.ca.gov>
4. Consumer Affairs
www.dca.ca.gov
5. Secretary of State-Search for Agent of Process
<http://ss.ca.gov/business/corp/corporate.htm>

TIME FOR SERVICE: Service of the claim and order on the defendant shall be complete at least 15 days before the hearing date if the defendant resides within the county in which the action is filed, or at least 20 days before the hearing date if the defendant resides outside the county in which the action is filed.

OPTIONS FOR SERVICE ON DEFENDANT(S):

BY COURT: \$10. per Defendant/Address. Please note it is sent by certified mail and the defendant is not required to accept certified mail.

BY SHERIFF:

FEES: \$30. for each Defendant served in Napa County. Contact counties outside of Napa for specifics as to their county regarding service. Proof of service will be provided.

TELEPHONE: (707) 253-4325

Do not delay in contacting the Sheriff to arrange for service.

Provide the Sheriff with an extra copy for service.

BY PRIVATE PROCESS SERVER: Process servers are located in the phone book.

We are not allowed to recommend any specific server. These process servers will provide a Proof of Service, which you must file with the Court.

BY A NEUTRAL PARTY: A friend, neutral party and a person not a party to the action may serve the claim. This person must be a US citizen and over the age of 18. A witness is generally considered a party to the action.

WHEN AND WHERE WILL MY SMALL CLAIMS BE HEARD?

Your case will be heard on Fridays at 8:30 am at Napa Superior Court, 825 Brown Street. Napa, CA.